

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:08-CV-562-D

JASON P. SPELLER,

Plaintiff,

v.

DUNN EMERGENCY SERVICES, INC.,


Defendant.

**ORDER**

Plaintiff Jason P. Speller filed suit against defendant Dunn Emergency Services, Inc. Defendant removed the action to this court [D.E. 1] and then filed a motion to dismiss for failure to state a claim upon which relief can be granted [D.E. 6]. Plaintiff opposes the motion to dismiss [D.E. 8].

Plaintiff seeks relief under 42 U.S.C. § 1981. The court has reviewed the complaint under the governing standard. See Fed. R. Civ. P. 12(b)(6); Erickson v. Pardus, 127 S. Ct. 2197, 2200 (2007) (per curiam); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 560–64 (2007); Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008). Defendant's motion to dismiss is DENIED.

SO ORDERED. This 12 day of May 2009.

  
JAMES C. DEVER III  
United States District Judge